

AMENDED IN SENATE MARCH 27, 2006

**SENATE BILL**

**No. 1327**

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**Introduced by Senator Soto**

February 17, 2006

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An act to amend Section 48203 of the Education Code, relating to school attendance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1327, as amended, Soto. Compulsory education law: individuals with exceptional needs: discipline.

Existing law provides that each person between the ages of 6 and 18 years not exempted, as specified, is subject to compulsory full-time education. Existing law requires the administration of each private school and public school district of any county, upon the severance of attendance or the denial of admission of any child who is physically handicapped, mentally retarded, or multiple handicapped, but is otherwise subject to compulsory education, to report the severance, expulsion, exclusion, exemption, transfer, or suspension beyond 10 schooldays to the county superintendent of schools in the jurisdiction.

Existing federal law, the federal—~~Individuals~~ *Individuals* with Disabilities Education Act (IDEA), requires that each state provide a free appropriate public education to all children with disabilities ages 3 to 21, inclusive, who reside in the state, including children with disabilities who have been suspended or expelled from school. Existing law defines the term individual with exceptional needs as a person who, among other things, is a child with a disability, as that term is defined in IDEA.

*Existing law, the Rehabilitation Act of 1973 and regulations promulgated by the United States Department of Education pursuant*

*to that act, requires that each state provide a free appropriate public education to all qualified handicapped persons who reside in the state.*

This bill would instead make the reporting requirement regarding a severance of attendance or denial of admission applicable to any child who is an individual with exceptional needs, ~~as defined~~ *or a qualified handicapped person, as defined.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 48203 of the Education Code is  
2 amended to read:  
3 48203. (a) ~~The principal~~ *superintendent* of a school district  
4 and *the principal* of a private school in each county shall, upon  
5 the severance of attendance or the denial of admission of any  
6 child who is an individual with exceptional needs, as that term is  
7 defined in Section 56026, *or who is a qualified handicapped*  
8 *person, as that term is defined in regulations promulgated by the*  
9 *United States Department of Education pursuant to Section 504*  
10 *of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), but who is*  
11 otherwise subject to the compulsory education laws of California,  
12 report the severance, expulsion, exclusion, exemption, transfer,  
13 or suspension beyond 10 schooldays to the county superintendent  
14 of schools. The report shall include names, ages, last known  
15 address, and the reason for the severance, expulsion, exclusion,  
16 exemption, transfer, or suspension.  
17 (b) It is the duty of the county superintendent to examine those  
18 reports and draw to the attention of the county board of education  
19 and governing board of a school district any cases in which the  
20 interests of the child or the welfare of the state may need further  
21 examination.  
22 (c) After a preliminary study of available information in cases  
23 referred to it, the county board of education may, on its own  
24 action, hold hearings on those cases in the manner provided in  
25 Section 48914 and with the same powers of final decision as  
26 therein provided.

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